

FILED

IN CLERKS OFFICE
U.S. DISTRICT COURT FOR N.Y.

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK



OCT 16 2007



DOCKET & FILE

P.M. _____

TIME A.M. X

LEROY PRIVOTT,

Plaintiff,

-against-

**STIPULATION AND ORDER
OF SETTLEMENT AND
DISCONTINUANCE**

05 CV 3445 (SLT)(MDG)

THE CITY OF NEW YORK, P.O. RICHARD
HUMIECKI, Shield No. 27131, Individually and in his
Official Capacity, P.O. CHRISTOPHER SALAMONE,
Shield No. 8665, Individually and in his Official Capacity,
P.O. WILKENS THELMUSA, Shield No. 16953,
Individually and in his Official Capacity, P.O. NEKIA
MORGAN, Shield No. 12334, Individually and in his
Official Capacity, P.O. "JOHN" PARENTE, Shield No.
25918, Individually and in his Official Capacity, and P.O.s
"JOHN DOE" #1-10, individually and in their official
capacities (the name John Doe being fictitious, as the true
names are presently unknown),

Defendants.

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WHEREAS, plaintiff commenced this action by filing a Third Amended
Complaint on or about May 2, 2007, alleging violations of his civil rights pursuant to 42 USC §
1983 and state law claims; and

WHEREAS, defendants have denied any and all liability arising out of plaintiff's
allegations; and

WHEREAS, the parties now desire to resolve the issues raised in this litigation,
without further proceedings and without admitting any fault or liability;

NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED, by
and between the undersigned, as follows:

1. The above-referenced action is hereby dismissed, with prejudice, and without
costs, expenses, or fees in excess of the amount specified in paragraph "2" below.

2. The City of New York hereby agrees to pay plaintiff the sum as set forth herein as follows in full satisfaction of all claims, including claims for costs, expenses, and attorney fees: Leroy Privott, the sum of Four Hundred Thousand Dollars (\$400,000). In consideration for the payment of this sum, plaintiff agrees to the dismissal of all the claims against the defendants City of New York, Richard Humiecki, Wilkens Thelusma, Christopher Salamone, Nekia Morgan, and John Parente, with prejudice, and to release the defendants and any present or former employees or agents of the City of New York, from any and all liability, claims, or rights of action under state or federal law which were or could have been alleged in this action, including claims for costs, expenses and attorney fees.

3. Plaintiff shall execute and deliver to defendants' attorneys all documents necessary to effect this settlement, including, without limitation, a General Release based on the terms of paragraph 2 above and an Affidavit of No Liens.

4. Nothing contained herein shall be deemed to be an admission by any of the defendants that they have in any manner or way violated plaintiff's rights, or the rights of any other person or entity, as defined in the constitutions, statutes, ordinances, rules or regulations of the United States, the State of New York, or the City of New York or any other rules, regulations or bylaws of any department or subdivision of the City of New York. This stipulation and settlement shall not be admissible in, nor is it related to, any other litigation or settlement negotiations.

5. Nothing contained herein shall be deemed to constitute a policy or practice of the City of New York.

6. This Stipulation and Order contains all the terms and conditions agreed upon by the parties hereto, and no oral agreement entered into at any time nor any written agreement entered into prior to the execution of this Stipulation and Order regarding the subject matter of the instant proceeding shall be deemed to exist, or to bind the parties hereto, or to vary the terms and conditions contained herein.

Dated: New York, New York
September 26, 2007

Jon Norinsberg, Esq.
225 Broadway – Suite 2700
New York, New York 10007
Attorney for Plaintiff

By: _____

Jon Norinsberg, ESQ.

MICHAEL A. CARDOZO
Corporation Counsel of the
City of New York
100 Church Street, Room 3-180
New York, New York 10007
Attorney for Defendants

By: _____

Jennifer L. Rubin
Assistant Corporation Counsel
Hillary A. Frommer
Senior Counsel

SO ORDERED: October 3, 2007

s/ SLT

U.S.D.J.